

REMARKS

Claims 1-41 remain pending in the present application. The non-final Office Action, mailed April 5, 2006, has been carefully considered. Reconsideration of the restriction requirement and examination of claims 1-41 are respectfully requested.

Election/Restriction

The Office Action indicates that "restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-13, drawn to recording compiler output as well as measurement results, classified in class 702, subclass 108.

II. Claims 14-25, drawn to generating statistics regarding a match, classified in class 715, subclass 516.

III. Claims 26-41, drawn to navigating between summary information and textual data in a report, classified in class 715, subclass 523."

Applicant provisionally elects with traverse to prosecute the invention disclosed in Group II, claims 14-25.

As provided in 35 U.S.C. § 121, restriction to one of two or more claimed inventions is proper only if the inventions are "independent and distinct." In its discussion of the propriety of restrictions, MPEP § 803 provides that if search and examination of two or more inventions can be made without "serious burden," the Examiner must examine them on the merits even if the claims are directed to distinct or independent inventions.

In the interests of equity, fairness, timeliness, and because there is a different body of law pertaining to each of these different types of claims, Applicant should be entitled to pursue claims of different scope in the present application, particularly, apparatus, system and method claims, for the patent to fully protect the invention. In addition, the restriction requirement is unfair to the Applicant because it will require the Applicant to file and bear the additional cost and time associated with filing one or more divisional or continuing applications in order to cover each type of claim.

In the present case, Groups I, II and III, although not necessarily obvious in view of each other, are very similar in subject matter. More specifically, each Group includes claims that pertain to analyzing information by identifying a text string therein,

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translating the text to a hypertext markup language, and generating a summary that is integrated with the analyzed information in a report. For example, Group I, represented by independent claim 1, includes the steps of "comparing the test data with the text of interest to identify a match" and "inserting a second entry in the hypertext markup language format representation of the data." Furthermore, Group II, represented by independent claim 14, includes "means for comparing the plurality of lines of information with a string to generate a match" and "means for adding a summary to the hypertext markup language translation." Moreover, Group III, represented by independent claim 26, includes "a query engine configured to locate a match between a text string and the text data" and "a formatting engine configured to insert a data summary before transformed text data in the hypertext markup language." It is clear from the representative claims that there is considerable overlap in the subject matter of Groups I-III. For at least this reason, Applicant respectfully submits that the inventions described in these claims are not "independent" as defined in MPEP § 803 and that the restriction requirement therefore is improper. In such a situation, where there is significant overlap in subject matter it would not be overly burdensome on the Examiner to search for pertinent art concerning these "separate" inventions at the same time. This is especially true when the Examiner has already conducted a search and identified references in the following class/subclass combinations :

<u>Class</u>	<u>Subclass</u>
345	700
382	190
364	419
700	80
707	3, 6, 500.1
715	501, 531

In addition to the impropriety of the restriction requirement, Applicant respectfully submits that the Office is unnecessarily delaying prosecution of the pending application on the merits. The Office Action mailed February 16, 2005 contained essentially the same restriction requirement. Applicant's response to the restriction requirement was acknowledged and the restriction was withdrawn in the Office Action mailed June 2, 2005.

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This same Office Action (mailed June 2, 2005) alleged that Applicant's claims 1-41 were unpatentable over the proposed combination of U.S. Patent No. 6,185,560 to Young *et al.* in view of U.S. Patent No. 5,708,825 to Sotomayor. Applicant's response to the Office Action mailed June 2, 2005, included claim amendments and remarks distinguishing Applicant's independent claims (as amended) in view of the proposed combination. The Office Action mailed November 21, 2005 maintained the rejection of claims 1-41 over the combination of Young *et al.* in view of Sotomayor and did not reintroduce or otherwise maintain a restriction requirement. Applicant's request for continued examination filed on January 18, 2006, in response to the Office Action mailed November 21, 2005, included additional claim amendments and remarks further distinguishing the claimed invention from the proposed combination. Accordingly, Applicant is confused by the restriction requirement mailed April 5, 2006, which essentially repeats the first restriction requirement issued 14 months ago and that fails to address the amendments and remarks filed by the Applicant on January 18, 2006.

For at least the foregoing reasons, Applicant respectfully traverses the restriction requirement and respectfully requests that the Examiner examine the claims of Groups I, II and III (claims 1-41) together. For at least the reasons set forth in the amendment and response filed on January 18, 2006, Applicant respectfully submits that pending claims 1-41 are allowable over the cited art of record and that the present application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully solicited.

Applicant expressly reserves the right to present the non-elected claims, or variants thereof, in continuing applications to be filed subsequent to the present application.

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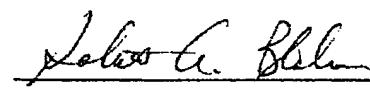
CONCLUSION

Should the Examiner have any comment regarding the Applicant's response or believe that a teleconference would expedite prosecution of the pending claims, Applicant requests that the Examiner telephone Applicant's undersigned attorney.

Respectfully submitted,

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